

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 23, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	3
ATTENDANCE DURING THE MEETING	3
ITEM-300: ROLL CALL	4
NON-AGENDA COMMENT	4
COUNCIL COMMENT	7
CITY ATTORNEY COMMENT	8
CITY MANAGER COMMENT	8
ITEM-330: <u>Two</u> actions related to First San Diego River Improvement Project Maintenance Assessment District	9
ITEM-331: <u>Two</u> actions related to Bay Terraces (Zone 1) Maintenance Assessment District	11
ITEM-332: <u>Two</u> actions related to Scripps-Miramar Ranch Maintenance Assessment District	13
ITEM-333: <u>Two</u> actions related to Miramar Ranch North Maintenance Assessment District	16
ITEM-334: <u>Two</u> actions related to Linda Vista Road Maintenance Assessment District ...	19
ITEM-335: Vista Bougainvillea	21
ITEM-336: Headquarters Point Research Park - Open Space Rezone	25

Minutes of Tuesday, July 23, 2002
Table of Contents (Continued)

ITEM-337: Appointments to the Mayor’s Task Force on Chargers Issues	<u>27</u>
NON-DOCKET ITEMS	<u>29</u>
ADJOURNMENT	<u>29</u>

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:08 a.m. Mayor Murphy recessed the meeting at 10:42 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 10:53 a.m. with Council Member Wear not present. Mayor Murphy recessed the meeting at 12:06 p.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Murphy at 12:07 p.m. with Council Members Wear and Inzunza not present. Mayor Murphy adjourned the meeting at 12:09 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-not present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-not present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Linda Smith regarding the redevelopment of Fifth and Broadway and the Ethics Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A472-536.)

PUBLIC COMMENT-2:

Comment by Don Stillwell thanking Council for the Mission Valley Library. He also commented on bonds that were issued by the City Council without voter approval.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A537-600.)

PUBLIC COMMENT-3: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Dr. Susan Shelby requesting that Council Member Peters put the Torrey Hills Community Coalition on an upcoming City Council Agenda.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B001-033.)

PUBLIC COMMENT-4: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Susan Friedland relating to the legal aspects of the SCR process and stated that she is protesting the SCR approval of all four lots on West Ocean Air.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B100-140.)

PUBLIC COMMENT-5: REFERRED TO CITY MANAGER AND CITY ATTORNEY

Comment by Kathryn Burton stating that she is in support of the comments made by Dr. Susan Shelby and Susan Friedland.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B144-149.)

PUBLIC COMMENT-6:

Comment by Tom Salvestrini, owner of the Crosby Square Coin Laundry, regarding the Mercado Redevelopment Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B150-192.)

PUBLIC COMMENT-7:

Comment by Jarvis Ross regarding the City's contradictions regarding Brown Field, Mission Bay, the Sea World issue and sidewalk repair funds.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B193-233.)

PUBLIC COMMENT-8: **REFERRED TO CITY MANAGER AND CITY ATTORNEY**

Comment by Donald Mayes regarding the difference between City Ordinance and CALTRANS policy regarding the increase of truck traffic on Interstate 163 through Balboa Park during rush hour. He requested that Council either enforce or repeal the ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B236-313.)

PUBLIC COMMENT-9:

Comment by Nick Moffit requesting that Non-Agenda Comments be taken on Mondays and recommended that Council eliminate Suggestion Awards and use those funds for graffiti removal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B314-350.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Frye regarding the grand opening of the Mission Valley Library last Saturday. She stated that it was a success with Mayor Murphy and Council Member Madaffer appearing as Harry Potter and she as Alice in Wonderland. She thanked everyone who participated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B354-390.)

COUNCIL COMMENT-2:

Comment by Council Member Madaffer thanking Council Member Frye and Lisa Gonzales for all the hard work they did in making the grand opening of the Mission Valley Library a success.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B394-462.)

COUNCIL COMMENT-3:

Comment by Mayor Murphy complimenting Council Member Frye and Lisa Gonzales for taking grand openings to a new level. He stated that the opening of this library is the first in the 21st century. He also stated that the American Style Magazine had a readers poll and San Diego was selected as one of the top art locations. He congratulated all the art institutions in San Diego and thanked Council and the public for supporting the arts in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B463-525.)

COUNCIL COMMENT-4:

Comment by Council Member Madaffer regarding William Thomas Evans, a 70 year old gentleman who is missing from the community of Del Cerro. Anyone who has any information, please call the Police Department at 531-2000,

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B540-567.)

CITY ATTORNEY COMMENT:

City Attorney Casey Gwinn announced that for the record, pursuant to the Brown Act and Government Code, in Executive Session today, in the case of Paulson versus City of San Diego, Case No. 0055406 that on a 7-1 vote the City Council authorized, at the recommendation of his office, to authorize the City Attorney to evaluate and pursue all possible options for appealing the recent decision of the Ninth Circuit Court of Appeals.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B527-538.)

CITY MANAGER COMMENT:

None.

ITEM-330: Two actions related to First San Diego River Improvement Project Maintenance Assessment District.

(#22 Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1575) CONTINUED TO MONDAY, JULY 29, 2002

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the First San Diego River Improvement Project Maintenance Assessment District.

Subitem-B: (R-2002-1622) CONTINUED TO MONDAY, JULY 29, 2002

Approving Fiscal Year 2003 Budget for the First San Diego River Improvement Project Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for First San Diego River Improvement Project Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and adjacent to the channel embankments. District maintenance includes dredging to maintain the flow capacity of the river, revegetation, wildlife monitoring and reporting, landscaping, restoration of embankment erosion and trash removal. By ballot in 1998 the property owners capped their savings for a dredging reserve at \$440,000. Last year the City's Engineering department reported the flood control channel will require dredging in certain areas of the channel where sedimentation has built up beyond acceptable limits. The City staff has met throughout the year with the First San Diego River Improvement Project Maintenance Assessment District Committee (Committee) discussing the dredging requirements and the need to increase the funding through an assessment increase. The Committee approved processing a ballot protest proceeding to request the District property owners approving the increase and the proposed budget for FY 2003 on April 24, 2002.

<u>DESCRIPTION</u>	<u>Est. Year End FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 590,328.00	\$ 552,972.00
OPERATING REVENUE:		
Assessments	\$ 162,518.00	\$1,536,752.00
Interest	<u>27,102.00</u>	<u>27,000.00</u>
TOTAL REVENUE	\$ 189,620.00	\$1,563,752.00
OPERATING EXPENSE:		
Personnel	\$ 42,966.00	\$ 45,418.00
Contractual	100,000.00	1,825,750.00
Incidental	39,933.00	60,393.00
Utilities	<u>44,850.00</u>	<u>45,184.00</u>
TOTAL EXPENSE	\$ 227,749.00	\$1,976,745.00
Ending Balance		
(Operating Reserve):	\$ 112,199.00	\$ 139,979.00
Continuing Appropriation		
(Dredging Reserve):	\$ 425,000.00	\$ 0.00

<u>Zone</u>	<u>FY 02 Assessment Per Benefit Area</u>	<u>FY 03 Assessment Per Benefit Area</u>	<u>Increase in Assessment from Fiscal Year 2001</u>	<u>Equivalent Benefit Area</u>
Aesthetics				
Zone 1	\$441.36	\$827.36	\$386.00 (87.5%)	113.01
Aesthetics				
Zone 2	\$220.68	\$413.68	\$193.00 (87.5%)	72.20
Flood Control	\$4,275.34	\$72,353.88	\$68,078.54 (1,592%)	19.12

The maximum authorized Aesthetics assessment is \$830.80/EBA in Zone 1, \$415.40/EBA in Zone 2 and Flood Control assessment is \$15,923.15/EBA indexed annually by the San Diego CPI-U.

FISCAL IMPACT:

All costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-381-03 (34)

COUNCIL ACTION: (Tape location: B571-603.)

Hearing began at 11:42 a.m. and halted at 11:43 a.m.

MOTION BY FRYE TO CONTINUE TO MONDAY, JULY 29, 2002, TO ALLOW STAFF TO MEET WITH THE PROPERTY OWNERS TO DISCUSS THEIR ISSUES. OBJECTIVE IS TO GET PROPERTY OWNERS TO UNDERSTAND THEIR LEGAL OBLIGATION TO ENSURE THAT THE SAN DIEGO RIVER IS DREDGED TO MAINTAIN ITS FLOOD CONTROL CAPACITY. Second by Peters. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Two actions related to Bay Terraces (Zone 1) Maintenance Assessment District.
(#39 Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1545) CONTINUED TO MONDAY, JULY 29, 2002

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of Zone 1 of the Bay Terraces Maintenance Assessment District.

Subitem-B: (R-2002-1543) CONTINUED TO MONDAY, JULY 29, 2002

Approving Fiscal Year 2003 Budget for Zone 1 of the Bay Terraces Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Bay Terraces (Zone 1) Maintenance Assessment District (District). The District was established on December 1982. It currently provides maintenance of the dedicated open space areas which contains trees, turf and walking trails. Zone 1 is located just north of Highway 54 in the Paradise Hills community. In FY 2003 the District will maintain 2.01 acres of dedicated open space which includes collection and disposal of fallen branches/trees, tree/shrub trimming, trail maintenance, weeding, and fertilizing. For the last few years, the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve. On April 6, 2002, the property owners representing Bay Terraces (Zone 1) Maintenance Assessment District approved going to a ballot of the Zone 1 property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$65.92 to \$89.92 in FY 2003 and, 2) effective FY 2004 authorize an annual increased assessment not to exceed the San Diego CPI-U index and, 3) revise the current apportionment methodology and determination of benefitting parcels within the District.

	Est. Year End	
	(Zone 1)	(Zone 1)
<u>DESCRIPTION</u>	<u>FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 289.00	\$ 65.00
REVENUE:		
Assessments	\$ 20,106.00	\$29,615.00
Interest	300.00	200.00
City Contribution	<u>50.00</u>	<u>53.00</u>
TOTAL REVENUE	\$ 20,456.00	\$29,868.00
EXPENSE:		
Personnel	\$ 1,695.00	\$ 1,405.00
Contractual	11,000.00	17,000.00
Incidental	3,513.00	3,255.00
Utilities	<u>4,472.00</u>	<u>6,072.00</u>
TOTAL EXPENSE	\$20,680.00	\$27,682.00
ENDING BALANCE	\$ 65.00	\$ 2,251.00

The proposed assessment for Zone 1 in Fiscal Year 2003 is \$89.92 per EBU. Zone 1 contains a total of 329.35 EBUs. The assessment is an increase of \$24.00 (a 36.4% increase) per EBU in Zone 1 from \$65.92 per EBU.

FISCAL IMPACT:

It is proposed that the City contribute \$53 from the Environmental Growth Fund for 2 acres of open space (\$26.63/acre). This represents the City's share of expenses incurred for maintaining open space comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-407-03 (34)

COUNCIL ACTION: (Tape location: C260-265.)

Hearing began at 12:04 p.m. and halted at 12:05 p.m.

MOTION BY STEVENS TO OPEN AND CLOSE THE PUBLIC HEARING, DIRECT STAFF TO TABULATE THE BALLOTS AND CONTINUE THE ITEM TO MONDAY, JULY 29, 2002. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-332: Two actions related to Scripps-Miramar Ranch Maintenance Assessment District.

(#37 Scripps-Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1613) CONTINUED TO MONDAY, JULY 29, 2002

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the Scripps-Miramar Ranch Maintenance Assessment District.

Subitem-B: (R-2002-1615) CONTINUED TO MONDAY, JULY 29, 2002

Approving Fiscal Year 2003 Budget for the Scripps-Miramar Ranch Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Scripps-Miramar Ranch Maintenance Assessment District (District). The District was established in May 1981. It currently provides maintenance for landscaped medians, open space areas, two ponds and oversees contracts for population based parks and the Scripps Ranch Library within the District Boundaries. In FY 2003 the District will maintain 15,468 sq. ft. of landscaped medians, 3,260 sq. ft. of hardscaped medians, 479 acres of open space areas and two ponds. The District will also continue to oversee the contracts for the population based parks and the Scripps Ranch Library. Recently, the City Auditor and Comptroller's Office has reviewed General Fund transfers and recommended a retroactive adjustment be made for payments made to the District for its population based parks in FY 99, FY 00 and FY 01. This adjustment will be spread over a three year period beginning in FY 04. For the last few years the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve.

On January 8, 2002, the property owners representing Scripps-Miramar Ranch Maintenance Assessment District approved going to ballot of the District property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$84.00 to \$116.00 in FY 2003 and, 2) provide funding for additional improvements within the District and their future maintenance and, 3) revise the current apportionment methodology and determination of benefitting parcels within the District.

<u>DESCRIPTION</u>	<u>Est. Year End FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 4,484.00	\$ 0.00

REVENUE:

Assessments	\$512,084.00	\$721,044.00
Interest	(1,000.00)	1,000.00
Transfer from the General Fund	177,328.00	168,989.00
City Contribution	<u>\$ 13,706.00</u>	<u>\$ 15,957.00</u>
TOTAL REVENUE	\$702,118.00	\$906,990.00

EXPENSE:

Personnel	\$75,980.00	\$ 77,875.00
Contractual	504,274.00	556,604.00
Incidental	74,747.00	79,027.00
Utilities	<u>51,600.00</u>	<u>51,600.00</u>
TOTAL EXPENSE	\$706,601.00	\$765,106.00
ENDING BALANCE	\$ 0.00	\$141,884.00

The proposed assessment for Fiscal Year 2003 is \$116.00 per EBU in Zones 1, 2, 3 and 4. The District contains a total of 6,215.81 EBU's, with 855.85 EBU's in Zone 1, 4,592.52 EBU's in Zone 2, 767.44 EBU's in Zone 3 and 0.0 EBU's in Zone 4. The assessment is an increase of \$32.00 (a 38% increase) per EBU to each zone from the Fiscal Year 2002 assessment of \$84.00 per EBU. The property owners in Zone 4 are currently maintaining open space improvements along the south side of Pomerado Road in lieu of being billed an assessment.

FISCAL IMPACT:

It is proposed that the City contribute \$2,826 from the Gas Tax for maintenance of 15,468 sq. ft. of landscaped medians at \$0.18/sq. ft. and 3,260 sq. ft. of hardscaped medians at \$0.013/sq. ft. In addition, the City will contribute \$12,756 from Environmental Growth Fund for the maintenance of 479 acres of open space at \$26.63/acre and a one-time retroactive contribution of \$375 for the maintenance of 4 acres at \$25/acre for three years (FY 00, 01 and 02). Additionally, a transfer of \$168,989 will be made from the General Fund. Park and Recreation Department will transfer \$160,867 for grounds maintenance of 36.93 acres of population-based parks at the City average cost of \$4,356/park acre. The Library Department will transfer \$8,122 for grounds maintenance of 2 acres at the Scripps Ranch Branch Library at the City's average cost of \$4,061/library acre. These City contributions and transfers represent the City's share of expenses for maintenance of similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-356-03 (34)

COUNCIL ACTION: (Tape location: C270-271.)

Hearing began at 12:05 p.m. and halted at 12:06 p.m.

MOTION BY STEVENS TO OPEN AND CLOSE THE HEARING, DIRECT STAFF TO TABULATE THE BALLOTS AND CONTINUE THE ITEM TO MONDAY, JULY 29, 2002. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-333: Two actions related to Miramar Ranch North Maintenance Assessment District.

(#17 Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1617) CONTINUED TO MONDAY, JULY 29, 2002

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the Miramar Ranch North Maintenance Assessment District.

Subitem-B: (R-2002-1619) CONTINUED TO MONDAY, JULY 29, 2002

Approving Fiscal Year 2003 Budget for the Miramar Ranch North Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Miramar Ranch North Maintenance Assessment District (District). The District was established in 1987. It currently

provides maintenance for landscape medians, paved medians, landscaped right-of-ways, landscaped slopes, gutters, and “interpretive/pocket” parks within the District boundaries. At build-out, the District will maintain 2 acres of landscaped medians, 1.6 acres of paved medians, 19.3 acres of landscaped right-of-ways, 74.3 acres of sidewalks and curbs, 523.3 acres of open space and 7.8 acres of “interpretive/pocket” parks and a restroom at Miramar Overlook Park. On February 6, 2002 the Miramar Ranch North Planning Committee approved going to a ballot to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$50.64 to \$52.90 in Zone 1 and from \$127.34 to \$229.82 in Zone 2 in FY 2003 and, 2) provide funding for additional improvements within the District and their future maintenance.

<u>DESCRIPTION</u>	<u>Est. Year End FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE	\$ 182,967.00	\$ 232,255.00
REVENUE:		
Assessments	\$ 633,890.00	\$1,038,348.00
Interest	7,112.00	6,881.00
Damages Recovered	121,000.00*	0.00
City Contribution	<u>13,351.00</u>	<u>33,363.00</u>
TOTAL REVENUE	\$ 775,353.00	\$1,078,592.00
EXPENSE:		
Personnel	\$ 56,365.00	\$ 97,824.00
Contractual	361,000.00	415,569.00
Incidental	93,700.00	136,117.00
Utilities	<u>215,000.00</u>	<u>367,130.00</u>
TOTAL EXPENSE	\$ 726,065.00	\$1,016,640.00
ENDING BALANCE	\$ 232,255.00	\$ 294,207.00

* Anticipated one-time reimbursement for damage to District assets.

The proposed assessment for Fiscal Year 2003 is \$52.90 per Equivalent Benefit Unit (EBU) in Zone 1, and \$229.824 per EBU in Zone 2. The District contains 6,441.41 EBU's: 2,498.43 EBU's in Zone 1 and 3,942.98 EBU's in Zone 2. The assessment is an increase of \$2.26 (a 4.4% increase) per EBU in Zone 1 from the FY 2002 assessment of \$50.64 and an increase of \$102.48

(a 80.4% increase) per EBU in Zone 2 from the FY 2002 assessment of \$127.34. The maximum authorized assessment is \$64.28 per EBU in Zone 1 and \$279.34 in Zone 2 indexed annually by the San Diego CPI-U.

The assessment increase in Zone 2 is due to approximately double the acreage of medians, right-of-way, slopes adjacent to rights of way, open space, pocket parks and street medians being added to this area of the MAD from what was previously approved by property owner ballot in 1998.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$13,653.00 from the Gas Tax Fund: \$12,736 for the maintenance of 70,754 sq. ft. of landscaped medians at \$0.18/sq. ft. and \$917 for maintenance of 70,515 sq. ft. hardscaped (paved) medians at \$0.013/sq. ft. In addition the City will contribute \$19,710 from the Environmental Growth Fund: \$13,935 for the maintenance of 523.30 acres of open space at \$26.63/acre, plus retroactive correction of FY 2002 for \$5,775 for maintenance of 231 acres at \$25/acre. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-385-03 (34)

COUNCIL ACTION: (Tape location: C001-039.)

Hearing began at 11:43 a.m. and halted at 11:47 a.m.

Testimony in favor by Tracy Reed.

MOTION BY MAIENSCHIN TO OPEN AND CLOSE THE HEARING, DIRECT STAFF TO TABULATE THE BALLOTS AND CONTINUE TO MONDAY, JULY 29, 2002. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Two actions related to Linda Vista Road Maintenance Assessment District.

(#12 Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1537) CONTINUED TO MONDAY, JULY 29, 2002

Considering the protests, approving modified map, confirming the assessments, ordering the proposed maintenance, and approving the Assessment Engineer's Report in the matter of the Linda Vista Road Maintenance Assessment District.

Subitem-B: (R-2002-1539) CONTINUED TO MONDAY, JULY 29, 2002

Approving Fiscal Year 2003 Budget for the Linda Vista Road Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2003 assessments for Linda Vista Road Maintenance Assessment District (District). The District was established in April 1990. It currently provides maintenance for landscaping improvements on the raised medians and parkway areas along each side of Linda Vista Road within the public right-of-way, and for street trees on the southern side of Genesee Avenue from Linda Vista Road to Highway 163. In FY 2003, the District will maintain 0.64 acres of landscaped medians, 3.08 acres of hardscape medians and right-of-way, 5.04 acres of landscaped rights-of-way and 14,319 linear ft. of gutters. For the last years, the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve. On November 26, 2001, the Linda Vista Road Maintenance Assessment District Committee voted to go to a ballot of the District property owners to: 1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$10.34 to \$14.00 in FY2003 and, 2) effective FY 2004 authorize an annual increased assessment not to exceed on San Diego CPI-U plus 4%. The purpose is to increase income sufficient to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2002</u>	<u>FY 2003</u>
BEGINNING BALANCE (Reserve)	\$ 29,040.00	\$ 714.00
REVENUE:		
Assessments	\$ 88,724.00	120,117.00
Interest	1,000.00	29.00
City Contribution	<u>3,342.00</u>	<u>5,510.00</u>
TOTAL REVENUE	\$ 93,066.00	\$125,656.00
EXPENSE:		
Personnel	\$ 14,977.00	\$ 17,469.00
Contractual	53,000.00	55,650.00
Incidental	34,165.00	20,166.00
Utilities	<u>19,250.00</u>	<u>19,747.00</u>
TOTAL EXPENSE	\$121,392.00	\$113,031.00
ENDING BALANCE (Reserve)	\$ 714.00	\$ 13,339.00

The proposed assessment for Fiscal Year 2003 is \$14.00 per EBU in Zone 1, Zone 2, and Zone 3. The District contains a total of 8,579.77 EBUs, with 6,721.28 EBUs in Zone 1, 1,094.35 EBUs in Zone 2, and 764.14 EBUs in Zone 3. The assessment is an increase of \$3.66 (a 35.4% increase) per EBU to each zone from the Fiscal Year 2002 assessment of \$10.34 per EBU. Within Zone 3, the medians are currently being cared for by the Navy in lieu of half of the Navy's assessment. If those medians are ever transferred to the District, the assessment to each parcel within Zone 3 will be increased proportionately.

FISCAL IMPACT:

It is proposed that the City contribute \$5,510 from the Gas Tax Fund: \$5,013 for the maintenance of 27,850 sq. ft. of landscaped medians (0.18/sq. ft.) And \$497 for maintenance of 38,260 sq. ft. of hardscape medians (\$0.013/sq. ft). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Herring/Medina/SY

FILE LOCATION: Subitems A & B: STRT-M-363-03 (34)

COUNCIL ACTION: (Tape location: C273-276.)

Hearing began at 12:06 p.m. and halted at 12:07 p.m.

MOTION BY FRYE TO OPEN AND CLOSE THE HEARING, DIRECT STAFF TO TABULATE THE BALLOTS AND CONTINUE TO MONDAY, JULY 29, 2002.

Second by Maienschein. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-335: Vista Bougainvillea.

Matter of approving, conditionally approving, modifying, or denying an application to subdivide a 8.83 acre site to construct seven (7) single-family detached residential dwelling units located at the south side of Rancho Toyon Place and east of Del Vino Court in the AR-1-2 zone within the Del Mar Mesa Specific Plan area.

(SV/TM/PDP/NUP/SDP-41-0366. Del Mar Mesa Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; adopt the resolution in Subitem B to grant the map and street vacation; and adopt the resolution in Subitem D to grant the permit:

Subitem-A: (R-2003-53) ADOPTED AS RESOLUTION R-296843

Adoption of a Resolution certifying that the information contained in Findings to Master Environmental Impact Report No. 41-0366, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency

and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the planned development permit/site development permit/neighborhood use permit and tentative map for Vista Bougainvillea;

That pursuant to California Public Resources Code section 21157.1 and Administrative Code section 15177, the City Council adopts the findings made with respect to the project;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-) GRANTED MAP, ADOPTED AS RESOLUTION
R-296844

Adoption of a Resolution granting or denying Tentative Map, TM-41-0366; and pursuant to Municipal Code section 125.0430 vacating a portion of Road Survey 65, also known as Lusardi Road, recorded August 22, 1986, in Deed Book 257, pages 33 and 24, within the subject Tentative Map No. TM-41-0366, contingent upon approval and recordation of a final map in accordance with the Subdivision Map Act Section 66434(g).

Subitem-C: (R-2003-134) ADOPTED AS RESOLUTION R-296845

Adoption of a Resolution certifying that the portion of Road Survey 65 as more particularly shown on Exhibit "A" and on Drawing 19795-B, labeled Exhibit "B" is hereby ordered vacated;

That the City Clerk shall cause a certified copy of this resolution, Exhibit "A," and Exhibit "B" attested by him under seal, to be recorded in the Office of the County Recorder.

Subitem-D: (R-2003-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-296846

Adoption of a Resolution granting or denying Planned Development/Site
Development/Neighborhood Use Permit No. 41-0366, with appropriate findings
to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 30, 2002, voted 6 - 0 to approve ; no opposition.

Ayes: Brown, Schultz, Anderson, Letteiri, Chase, Garcia
Not present: Steele

The Del Mar Mesa Community Planning Group has recommended approval of this
project.

SUPPORTING INFORMATION:

The project site is located on the south side of Rancho Toyon Place and east of Del Vino Court in the AR-1-2 zone within the Del Mar Mesa Specific Plan area. The property is surrounded by existing single-family residential developments and is adjacent to open space owned by the City of San Diego. The project is composed of two parcels of land with the primary parcel being 3.83 acres and a non-contiguous parcel of 5.0 acres being located approximately 0.25 mile to the northeast. The applicant proposes to subdivide the 3.83 acre site and construct seven detached single-family dwelling units. The 5.0 acre site is designated in the Multiple Habitat Planning Area (MHPA) to be retained as natural habitat/open space in the Del Mar Mesa Specific Plan. The proposed density includes a transfer of four dwelling units from the relatively isolated five acre parcel designated by the Specific Plan for future acquisition as open space.

The proposed project is estimated to generate approximately 70 average daily trips (ADT). It is anticipated that twenty of these trips are to occur on Interstate 5 south of State Route 56, which has an estimated near-term plus project volume of 262,070 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56. Widening of Interstate 5 is to be constructed between 2004-2007. Del Mar Mesa/Subarea V is required to contribute \$1.3 million for the widening of State Route 56 from four to six lanes.

The Del Mar Mesa Community Planning Group voted 7:0:1 on March 14, 2002, to recommend approval of the proposed project.

The Planning Commission voted 6:0:0 on May 30, 2002 to recommend approval of the staff's recommendation.

City staff recommends certification of the Findings to Master Environmental Impact Report LDR No. 41-0366; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all potentially significant impacts of the project as identified in the Findings; approval of the tentative map; and Planned Development Permit/Neighborhood Use Permit/Site Development Permit 41-0366 with the conditions contained in the draft Tentative Map resolution and draft permit.

A letter in opposition to the proposed project was received during the printing of the Planning Commission Report and was not included in the original report, the applicant and City staff have provided responses in the back up information to the letter submitted in opposition as attachments 9, 10 & 11.

FISCAL IMPACT:

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/DNJ

LEGAL DESCRIPTION:

The project site is located on Del Mar Mesa, northeast of the intersection of Shaw Ridge Road and Del Vino Court along Rancho Toyon Place. It is zoned AR-1-1 and lies within the Del Mar Mesa (Subarea V) Specific Plan of the North City Future Urbanizing Area (NCFUA) more particularly described as Parcel 2 of Parcel Map No. 18709 and the north half of the north half of the south half of the southeast quarter of the northwest quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian, excepting therefrom the westerly 528 feet thereof. A fourth, noncontiguous, five-acre parcel (308-020-10) would be deeded to the City of San Diego as open space. It is located approximately 1,200 feet northeast of the proposed project, and lies within Subarea V and the Multi-Habitat Preservation Area and is more particularly described as the east half of the southeast quarter of the northwest quarter of the northeast quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian.

FILE LOCATION: Subitems A & D: LUP - Vista Bougainvillea 07/23/02 (65)
Subitems B & C: STRT-J-2938 (39)

COUNCIL ACTION: (Tape location: C043-090.)

Hearing began at 11:47 a.m. and halted at 11:51 a.m.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS, GRANTING THE MAP AND PERMIT, WITH THE UNDERSTANDING THAT PAUL METCALF WILL HAVE THE DEED SIGNED FOR THE PROPERTY WITHIN THE NEXT WEEK. Second by Frye. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-336: Headquarters Point Research Park - Open Space Rezone.

Matter of approving, conditionally approving, modifying or denying a Rezone of 36.6 acres of open space located on Headquarters Point between Wateridge Circle and Lusk Boulevard.

(RZ-99-0036. Mira Mesa Community Plan Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-24) INTRODUCED, TO BE ADOPTED AUGUST 5, 2002

Introduction of an Ordinance changing 36.6 acres located between Wateridge Circle and Lusk Boulevard, within the Mira Mesa Community Plan area, in the City of San Diego, California, from the RS-1-8 (Residential) zone into the OC-1-1 (Open Space-Conservation) zone, as defined by San Diego Municipal Code Section 131.0203; and repealing Ordinance No. 18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego insofar as the same conflict herewith.

OTHER RECOMMENDATIONS:

Planning Commission on June 13, 2002, voted 6-0 to approve; opposition speaker slip originally submitted by Joanne Pearson, representing the Sierra Club, advising the Commission that staff had satisfactorily answered her questions and she therefore was withdrawing her opposition.

Ayes: Chase, Brown, Lettieri, Garcia, Schultz, Steele
Not present: Anderson

The Mira Mesa Community Planning Group has recommended approval of the rezone.

SUPPORTING INFORMATION:

Headquarters Point Research Park - Open Space Rezone proposes a rezone of 36.6 acres. In addition to the open space easement recorded on the deed of the property, approval of the Headquarters Point Research Park Open Space Rezone would bring into force the OC-1-1 zoning regulations on this site to preserve the 36.6 acres. This action would increase the layers of protection placed on the site to prevent any future development from being approved.

The rezone action, if taken by the City Council, constitutes an amendment to the North City Local Coastal Program (LCP) which must be certified by the California Coastal Commission before becoming effective. Local Coastal Program amendments are brought by the City of San Diego to the Coastal Commission a maximum of three times in any one calendar year. The Headquarters Point Research Park Open Space Rezone, as a LCP amendment, would be consolidated with other LCP amendments and presented to the Coastal Commission.

Should the City Council approve the rezone of the site from RS-1-8 to OC-1-1, the relevant regulations controlling the property would include those of the Open Space-Conservation zone and the Coastal Overlay Zone. The 36.6 acres of open space is also protected by being within the City's Multiple Habitat Preservation Area. The rezoning of the open space will not effect local or regional transportation facilities.

The Mira Mesa Community Planning Group, voted 13:0:0 to recommend approval of the rezone on November 19, 2001. At the June 13, 2002 hearing, the Planning Commission voted unanimously to recommend approval to the City Council of the proposed rezone. City staff supports the rezone of the property to conserve the resources present on the site.

FISCAL IMPACT:

Costs associated with this action are covered by budgeted funding of the Real Estate Assets Department.

Ewell/Christiansen/JSF

NOTE: In accordance with State CEQA Guidelines Section 15308, the proposed rezone is exempt from environmental review.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C097-252.)

Hearing began at 11:52 a.m. and halted at 12:04 p.m.

Testimony in opposition by Joanne Pearson.

MOTION BY MAIENSCHIN TO INTRODUCE THE ORDINANCE. DIRECT THE CITY MANAGER TO HAVE THIS PROJECT OR OTHER PROJECTS COME BEFORE COUNCIL FOR ONE VOTE, TO THE EXTENT POSSIBLE, SO THAT COUNCIL CAN SEE THE WHOLE PICTURE RATHER THAN THE PIECE MEAL WAY IT IS CURRENTLY BEING DONE; EVEN IF IT MEANS WAITING UNTIL WE HAVE ALL THE DUCKS IN A ROW, THEN THAT IS WHAT WE NEED TO DO. ACCEPT COUNCIL MEMBER FRYE'S REQUEST THAT STAFF VISIT AND EVALUATE THE SITE TO DETERMINE WHETHER OR NOT THE SITE MEETS ALL COUNCIL POLICY CRITERIA TO DEDICATE THE 36.6 ACRES TO ENSURE IT STAYS AS CITY PARK OPEN SPACE AND REPORT BACK TO COUNCIL WITH THEIR RECOMMENDATION WITHIN ONE TO TWO WEEKS. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-337: Appointments to the Mayor's Task Force on Chargers Issues.

(See memorandum from Mayor Murphy dated 7/12/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-135) ADOPTED AS RESOLUTION R-296847

Confirming the following appointments by the Mayor to serve as members of the Mayor's Task Force on Chargers Issues:

<u>NAME</u>	<u>NOMINATED BY</u>
Jeffrey Smith	District 1
Nikki Clay, Vice Chair	District 2
David Watson, Chair	District 3
Cassandra Clady	District 4
Karen Heumann	District 5
Bill Largent	District 6
Bruce Henderson	District 7
Len Simon	District 8
Pepper Coffey	Mayor
Timothy Considine	Mayor
Tom Fat	Mayor
Joseph Martinez	Mayor
Geoff Patnoe	Mayor
Patti Roscoe	Mayor
Ron Saathoff	Mayor

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Tape location: A013-449.)

MOTION BY PETERS TO ADOPT, CONFIRMING THE APPOINTMENTS. Second by Stevens. Passed by the following vote: Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 12:09 p.m. in honor of the memory of:

Stan Fye, as requested by Council Member Atkins.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: C300-316.)